

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

United States of America)	
v.)	
JOE LOUIS HAMPTON)	Case No: <u>3:04CR118</u>
)	USM No: <u>20073-058</u>
Date of Original Judgment: <u>May 24, 2006</u>)	
Date of Last Amended Judgment: <u>N/A</u>)	Pro Se
)	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ **is reduced to** _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Original Offense Level:	<u>31 (Career Offender)</u>	Amended Offense Level:	<u>31 (Career Offender)</u>
Criminal History Category:	<u>VI</u>	Criminal History Category:	<u>VI</u>
Original Guideline Range:	<u>262 to 327 months</u>	Amended Guideline Range:	<u>262 to 327 months</u>

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

☒ Other (explain): The application of Amendment 750 provides no change in the guideline calculations in this case. *Pursuant to USSG §4B1.1(c)(2), in multiple counts of conviction which include a violation of 18 U.S.C. § 924(c)(1), the guideline range shall be the greater of (A) the guideline range that results by adding the mandatory minimum consecutive penalty required by § 924(c) to the minimum and maximum of the otherwise applicable guideline range determined for the count of conviction other than § 924(c), or (B) the guideline range determined using the table in subsection (c)(3). Based on the 3-level reduction pursuant to §3E1.1, the guideline range is **262 to 327 months**.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated May 24, 2006, shall remain in effect.

IT IS SO ORDERED.

Order Date: July 9, 2012

Effective Date: _____
(if different from order date)



Graham C. Mullen
United States District Judge

